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Co-Chairman Smith Introduces Resolution on Human Rights in Belarus

by Orest Deychakiwsky

On March 5, Commission Co-Chairman Rep. Christopher H. Smith (R-NJ) introduced House Concurrent Resolution 237 that voices concern about the serious limitations on human rights and civil liberties in Belarus, including lack of compliance with Organization for Security and Cooperation in Europe (OSCE) commitments. Joining Mr. Smith as original co-sponsors were Commissioner Reps. Frank R. Wolf (R-VA), John Edward Porter (R-IL), Ranking Member Steny H. Hoyer (D-MD) and Edward J. Markey (D-MA) and House International Relations Committee Chairman Rep. Benjamin A. Gilman (R-NY).

H. Con Res. 237 calls upon the Government of Belarus to abide by
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U.S. Ambassador R. Nicholas Burns (far right) joined members of the delegation for a meeting with representatives of the Roma community, his first session with a human rights NGO since taking up his post in Athens. An estimated 250,000 Rom live in Greece, many in deplorable conditions with limited access to education and health care services.

Commissioners Raise Human Rights Concerns in Greece, Cyprus, Turkey, and Austria

by Ron McNamara

From January 13-20, Commissioner Rep. John Edward Porter (R-IL) led a Commission delegation including Reps. Ranking Member Steny H. Hoyer (D-MD), Benjamin L. Cardin (D-MD) and Louise McIntosh Slaughter (D-NY) to the eastern Mediterranean countries of Greece, Cyprus, and Turkey, and Austria. The human dimension and implementation of OSCE commitments dominated discussions throughout the week-long intensive program that included meetings with government officials, religious leaders, representatives of non-governmental organizations and other private citizens. Much of the focus centered on the treatment of ethnic and religious minorities in each of the countries. The Commissioners were also able to assess political, economic, social, and military security developments in the tension-filled eastern Mediterranean, a region of strategic importance to the United States.

Greece

Shortly after arriving in Athens, several members of the delegation traveled by helicopter to the displaced-persons camp at Loutraki, a facility largely populated by Kurds from Iraq and Turkey. An increased number of Kurdish

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

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migrants have entered Greece in recent years, further burdening an already overloaded support system. Greek Government estimates put the refugee population at around 50,000. According to Greek officials, most Kurdish arrivals are in transit to Western Europe and few apply for asylum in Greece. The issue has the potential of placing additional strain on already tense Greek-Turkish relations and could affect Turkey's relations with other European Union countries. While at the Loutraki camp, members of the delegation had an opportunity to learn firsthand of the plight of the displaced in their respective homelands, as well as their living conditions while in Greece. Some of the displaced persons briefly staged a protest sit-in to impress upon the Members their desire that the United States work towards a resolution of their status.

The delegation held a series of meetings at the U.S. Embassy with representatives of various ethnic and religious minorities, including three muftis recognized by the Government of Greece. The group complained about the general shortage of textbooks for students in the Muslim dominated region of Western Thrace as well as the difficulty in obtaining access to suitable houses of worship. They also noted that foreign students are welcome to attend Greek universities, but Muslims from Greece face discrimination, though there has been limited progress over the past year. The three stressed that Muslims would like to be guaranteed the same rights and equality as other Greek citizens. The muftis described their duties and addressed the controversy surrounding their selection, insisting that the direct election of muftis, called for by some in Greece, does not occur elsewhere and they maintained it is prohibited by the Koran.

The delegation met with other representatives of the Turkish minority, including three members of parliament who described various political, educational, and economic barriers faced by ethnic Turks in Thrace. They characterized the Greek Government's policies toward

this element of society as one of neglect and isolation, noting that ethnic Turks have been left out of the decision-making process in the region. Despite the fact that the parliamentarians come from three different political parties, they agreed about the difficulties faced by the Turkish minority and the failure of Greek authorities to meaningfully address them. The situation had been further exacerbated by the settlement of as many as 20,000 Greeks from the former Soviet Union in Thrace.

Members of the Macedonian community in Greece criticized the treatment of their community by a largely homogeneous state which, they asserted, views diversity

as a potential threat. Many of their complaints centered on cultural issues, including the restrictions on teaching the Macedonian language. The group noted that improved relations between Skopje and Athens have not translated into better conditions for the Macedonian minority in Greece. Among other problems, they described job discrimination and the in-

ability of Macedonians abroad to return to Greece for visits to their home villages.

Representatives of minority faiths painted a mixed picture in a country heavily influenced by the Greek Orthodox Church. Faith communities represented were the Jews, Roman Catholics, Christian Witnesses of Jehovah, and Evangelical Christians. A common concern was the issuance of Greek identification cards that indicate a person's religious affiliation, an issue that was raised at the Commission's September 18, 1997 hearing "Religious Intolerance in Europe Today." Several individuals—Greek citizens from birth—observed that they are commonly viewed as foreigners because of their membership in non-Orthodox churches. The representatives described a variety of legal and administrative challenges faced by their communities. Despite the presence of Roman Catholics in Greece since the 12th century, for example, the Catholic Church has been denied legal personality, affecting the status of its parishes, schools



l to r: Commissioner Hoyer, Mufti Metso Tzemail of Komotini, Mufti Mehmet Emin Sinikoglou of Xanthi, Commissioner Porter, and Mufti Serif Damatogl of Evros.

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Hague Tribunal Launches Investigation Into Kosovo Events

by Erika B. Schlager

On March 10, 1998, the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia confirmed it had initiated an investigation into the recent events in Kosovo. The Tribunal's statute specifies that it has jurisdiction over individuals responsible for war crimes, crimes against humanity, and genocide committed on the territory of the former Yugoslavia after January 1, 1991.

Also in early March, the State Department announced the release of an additional \$1.1 million dollars in financial assistance to the Tribunal. This money is earmarked for forensic work and, in the words of Secretary of State Madeleine Albright, to "build the confidence of those indictees still at large that, if they turn themselves in, they will receive treatment that is expeditious and fair." This augments assistance the United States is providing for the building of additional court rooms for the Tribunal. At present, there are four on-going trials which must all share a single court room. Clearly, as the number of indictees increases, so does the demand on court room space.

Some journalists have drawn the conclusion that the administration's announcement of additional financial support was an indication of a willingness—and, indeed, interest—in seeing Serbia's President, Slobodan Milosevic, indicted, especially after the recent bloodshed in Kosovo. In fact, it is possible Milosevic has already been indicted. It is now known that the Tribunal has issued an unknown number of sealed indictments against an unknown number of persons and Milosevic may already be one of them.



Russian Constitutional Court Throws Out Residency Permit Regulations

by John Finerty

On February 2, Russia's Constitutional Court ruled that the system of residence permits (*propiska*), a throw-back to the Tsarist system and retained by the Soviets, is unconstitutional. Although the Russian Constitution theoretically guarantees the right of citizens to choose their place of residence, regional authorities had previously circumvented this right by establishing restrictive regulations and charging high fees for registration in urban areas.

The *Jamestown Monitor* of February 5 reported that the Court ruled that municipal authorities could still require residential registration *per se*, but could not deny citizens an overall right to reside in a particular city.

Whether the ruling will have an immediate benefit for persons wishing to resettle freely in Russia is unclear. The *Moscow Times* pointed out that local jurisdictions will now have to annul registration rules that conflict with the court's ruling, but there is no deadline for compliance.



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its international commitments and the principles of the 1994 Belarusian Constitution; urges Belarusian President Lukashenko to restore the rights of the Supreme Soviet (the pre-November 1996 referendum parliament); and encourages cooperation with the newly-established OSCE Advisory and Monitoring Group in Belarus, the mandate of which is to assist in the development of Belarusian democratic institutions.

The resolution also supports the development of independent non-governmental organizations in Belarus that are dedicated to promoting democracy and respect for fundamental human rights and freedoms.

Moreover, H.Con.Res. 237 also urges President Clinton and the U.S. Department of State to press the Belarusian Government to live up to its international human rights commitments, and urges President Clinton to consider human rights conditions in the review of Most Favored Nation (MFN) status for Belarus.

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and clergy. The Jewish spokesman voiced concern over the anti-Semitic content of some textbooks. Noting some positive developments, the representative of the Jehovah's Witnesses underscored continuing difficulties, including the constitutional prohibition on proselytism, a ban adversely affecting Evangelical Christians as well.

A working dinner hosted by U.S. Ambassador R. Nicholas Burns provided delegation participants with their only opportunity to meet with Greek officials, including Alternate Foreign Minister Papandreou and the directors of the Ministry of Foreign Affairs' Balkans Division and Turkey-Cyprus Division. The delegation had requested a meeting with Prime Minister Simitis.

The Commissioners also met with the head of the Greek delegation to the OSCE Parliamentary Assembly, the director of the Marangopoulou Foundation for Human Rights, a representative of the United Nations High Commissioner for Refugees to discuss developments in the field of human rights, and Ambassador Burns joined the delegation to meet with representatives of the Roma community—his first personal contact with a human rights-based NGO since taking up his post in Athens in late November. Members of the Greek Helsinki Monitoring Group and Roma representatives discussed the poor living conditions in Roma camps and the marginalization and discrimination faced by this segment of Greek society. One participant described efforts of a mayor to forcibly evict Roma from his town. The group noted that the Roma are often not aware of their rights and lack knowledge of government programs that could help alleviate their poverty.

Cyprus

In Cyprus, the delegation had an opportunity to meet with a diverse group of Greek Cypriots and Turkish Cypriots. Commissioners met with Turkish-Cypriot leader Rauf Denktash who presented a historical sketch of developments on the island nation. He welcomed U.S. efforts to seek a political solution to the long-standing conflict, which he stressed, dated back to 1963. Denktash recounted a laundry list of grievances, including Cyprus' application for EU membership, which he said had destroyed the partnership between Greek and Turkish Cypriots, making it futile to pursue negotiations. The Turkish Cypriot leader repeatedly insisted on recognition of the so-called "Turkish Republic of Northern Cyprus" before he would be willing to return to the negotiating table. He bristled over the lack of attention paid

by the international community to the concerns of the Turkish Cypriots. "You only come here to see the intransigent Denktash," he declared, "I am not going to sacrifice political equality."

Delegation members voiced strong support for Special Presidential Envoy for Cyprus Richard Holbrooke. Commissioners urged Denktash to lift the ban on bi-communal activities, suspended last December following the EU Luxembourg summit which accepted Nicosia's membership application and effectively rejected Anakara's bid to join the EU. The delegation voiced concern over impediments to freedom of movement, including difficulties faced by Greek Cypriots living in the north.

Attempts by the U.S. Embassy to organize a bicomunal gathering in conjunction with the delegation's visit proved impossible in light of the suspension of such activities by the Turkish Cypriot leadership. Nevertheless, the delegation was able to meet with a score of Turkish Cypriots at the embassy's office in the north. A working dinner hosted by U.S. Ambassador Kenneth Brill provided an opportunity for delegation participants to meet with Greek Cypriots, including a representative of the enclaved community in the Karpas area in the north.

Members of the delegation were briefed by Assistant Secretary-General Gustave Feissel, Chief-of-Mission U.N. Operation in Cyprus, on the role of the Mission since the deployment of the United Nations Force in Cyprus (UNICYP) in March 1964. The present UNICYP force consists of 1,265 troops provided by 9 countries, with the largest contingents coming from Argentina, the United Kingdom, and Austria. Feissel described UN efforts to resolve the cases of nearly 2,000 missing Greek Cypriots and Turkish Cypriots. Following the briefing the delegation toured the UN buffer zone.

The delegation's visit to Cyprus occurred amidst a tight presidential election campaign leading up to elections February 8. Meeting with incumbent President Glafcos Clerides at the Presidential Palace in Nicosia, the President expressed eagerness to get back to the negotiating table to resolve the conflict that has divided the island since 1974. He was particularly keen to include Turkish Cypriots on Cyprus' delegation responsible for talks with the European Union slated to begin at the end of March. Clerides took a flexible approach with respect to the possible deployment of S-300 missile systems to be supplied by the Russians.

"If progress could be made on security, we would not seek importation of the weapons," he said. The Cyp-

riot President discussed the deep mistrust between the Greek Cypriot and Turkish Cypriot communities, concluding that the fears of both sides would have to be taken into consideration. When asked what role the United States might play on Cyprus, Clerides responded that the United States could provide troops to an international force should an accord be reached. Members of the delegation urged Clerides to encourage greater freedom of movement and more contact between the two communities.

While in Nicosia, several members of the delegation paid a courtesy call on His Eminence Archbishop Crysostomos who presented Mr. Hoyer with an icon for President Clinton.

Turkey

Traveling to Istanbul, the delegation participated in a working dinner hosted by U.S. Consul General Carolyn Huggins and attended by His All Holiness the Ecumenical Patriarch Bartholomew I. The gathering brought together religious leaders, including His Grace Archbishop Mesrob Mutafyan of the Armenian Patriarchate, representatives of environmental NGOs, and members of the business community.

The delegation met with the “Saturday Mothers,” a group working with the Human Rights Association of Istanbul that focuses on obtaining information on the whereabouts of thousands of individuals who have disappeared, often after having been taken into police custody. Several participants in the delegation attended a weekly silent demonstration organized by the group.

Commissioners visited the offices of the Kurdish Research and Cultural Foundation, the first organization with the word “Kurdish” to be given legal status in Turkey. Director Yilmaz Çamlıbel detailed the difficulties he has encountered in his efforts to open Kurdish language classes at the Foundation. The authorities ordered a classroom at the facility sealed because the teaching of Kurdish is prohibited. Çamlıbel pointed out the irony that the Foundation is often called upon by Turkish courts in Istanbul to provide translations of Kurdish, yet is prevented from teaching the language.

While in Istanbul, the delegation met with Syrian Orthodox Metropolitan Yusaf Cetin and members of his



l to r, Commissioners Louise McIntosh Slaughter, Benjamin L. Cardin; Speaker of the Turkish Grand National Assembly Hikmet Cetin; Delegation Chairman John Edward Porter and Commissioner Steny Hoyer.

church’s ruling council. The church has been ordered by government authorities to suspend restoration efforts at its monasteries in the southeast, to end its Aramaic language classes, and to end the housing of students and other visitors on church-owned property. Commissioners also met with the Lay Council of the Grand Rabbinate of Turkey whose representatives described the small but vibrant Jewish community in Istanbul and the protections accorded Jews under the 1923 Treaty of Lausanne.

The delegation attempted to travel to the Kurdish city of Diyarbakir but inclement weather prevented landing. Commissioners did, however, speak by telephone with several lawyers and other human rights activists in Diyarbakir, expressing regret that the delegation was unable to meet them as planned.

U.S. Ambassador Mark R. Parris hosted a working dinner, attended by U.S. Secretary of Commerce William M. Daley, that provided a unique opportunity to bring together representatives of leading Turkish human rights NGOs and key parliamentarians. Informal meetings were held with former Turkish MPs Sedat Yurtda and Sirri Sakik. The delegation also met informally with the former mayor of Diyarbakir and current member of parliament Ha im Ha imi to assess developments in the southeast.

The delegation held a series of meetings with members of the Turkish Grand National Assembly, including Speaker Hikmet Çetin, members of the Turkish delegation to the OSCE Parliamentary Assembly and members of the Parliamentary Dialogue Group. As in meetings with all Turkish officials, Commissioners voiced sup-

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port for Prime Minister Yilmaz's human rights package: decriminalization of freedom of expression; release of imprisoned parliamentarians and journalists; reopening of human rights NGOs; and ending the state of emergency in the southeast. The delegation also raised the longstanding request of the OSCE Chairman-in-Office to send a personal representative to Turkey. Turkish authorities have been cool to the proposal first floated in 1996 during the Swiss chairmanship.

The Turkish parliamentarians noted that while there are good government-to-government and military contacts between the two countries, contacts at the parliamentary level could be increased. A member of the Welfare (Refah) Party made an impassioned plea to members of the delegation on behalf of his party. The Constitutional Court had issued an order banning the party on January 16, the day the Commission delegation arrived in Turkey.

Meeting with Foreign Minister Ismail Cem, the delegation welcomed the government's stated commitment to improve Turkey's human rights record. Commissioners urged Cem to use his influence with the Turkish Cypriot leadership to resume bicommunal contacts on the divided island. Members of the delegation stressed the historic ties between Turkey and the United States, while noting that Turkish human rights violations have made it difficult to further improve relations between the two countries. Cem alleged that there is a tendency in some western quarters to distort the human rights situation in Turkey. He cited alleged human rights violations in Germany and Greece, and attempted to refute the assertion that former Turkish MPs, including Leyla Zana, had been imprisoned for their statement, insisting that those jailed had established links to terrorists. In a diversionary tactic, Cem charged that parliamentarians had been sent to prison in Spain for similar links to ETA terrorists.

Members of the delegation met with State Minister for Human Rights Hikmet Sami Turk who presented an overview of the Yilmaz government's seven-month effort to address longstanding human rights concerns. Turk noted that numerous meetings of government officials devoted to human rights had been held in Ankara and throughout the country. The minister observed that administrative improvements were relatively easy compared with issues that require a change in Turkish law. Among the improvements he stressed was the need to improve public understanding of human rights through education,

including training courses for the police. Commissioners expressed particular concern over the large number of disappearances of individuals taken into police custody. In response to concerns over restrictions on freedom of expression, Turk described various legal changes being considered. Citing the large number of imprisoned journalists in Turkey, the delegation suggested that the government consider inviting OSCE Representative on Freedom of the Media Freimut Duve to visit the country.

Deputy Chief of the Turkish General Staff (TGS) General Cevik Bir and other senior military officers received the delegation at the TGS headquarters in Ankara. The delegation acknowledged the strong ties between Turkey and the United States as allies and the unique role of the military in Turkish society, while emphasizing the importance of shared values, including respect for human rights. Commissioners stressed that upholding the rights of all citizens in Turkey is a key element in fighting terrorism and terrorists. General Bir underscored the strong support by the military for the Yilmaz government and human rights reforms, asserting that the Turkish military was first to introduce human rights training at its academy. With respect to Cyprus, Bir cited the EU decision to open accession talks with Cyprus as worsening the prospects of a political settlement. Concerning the anticipated deployment of Russian S-300 missiles on the island nation, Deputy Chief Bir said that the issue should be resolved through political means. The architect of Turkey's burgeoning relations with Israel, the general noted mutual benefits to both countries in a generally hostile region.

The climax of the delegation's visit to Turkey came when Commissioners visited imprisoned DEP parliamentarians Hatip Dicle, Orhan Dogan, Selim Sadak, and Leyla Zana at the Ulucanlar Detention Facility in Ankara. The requested visit was reportedly blocked by the Ministry of Justice but made possible through the personal intervention of the Prime Minister. Members of the delegation noted that they had raised the case of the imprisoned parliamentarians at each of their official meetings while in Turkey and that they would continue to press for their release, including at international fora such as the OSCE Parliamentary Assembly. Mrs. Zana, who had attended a Helsinki Commission hearing in 1993, an item included in her lengthy indictment, explained the reasons why she declined an early release offered to her by the Turkish authorities late last year, following an international campaign to win her release. The Nobel Prize nominee in-

sisted that at the heart of the matter was the freedom of the Kurdish people, not the imprisonment of an individual. She expressed skepticism with respect to the Turkish Government's ability to bring about promised human rights reforms, citing similar statements by earlier governments. Zana called for the United States to apply various sanctions on Turkey pending genuine progress on human rights issues. "Our goal is neither to isolate nor suffocate Turkey but to bring about change," she said.

While at the detention facility, the delegation received word that Prime Minister Yilmaz would be available to meet with Commissioners that evening. The delegation's scheduled departure from Turkey immediately following the visit with the imprisoned former parliamentarians precluded such a meeting. Members of the delegation did send a detailed follow-up letter to Yilmaz calling for concrete progress in the resolution of longstanding human rights concerns, including the imprisonment of former parliamentarians and journalists, the curbs on freedom of expression, harassment of human rights NGOs, and the treatment of ethnic and religious minorities. "Timely and demonstrable progress in these areas would go a long way in closing Turkey's credibility gap on human

rights," the letter concluded.

From Turkey, the delegation traveled to Vienna where the Commissioners held a series of meetings with parliamentary leaders, including Dr. Heinz Fischer, President of the Austrian Parliament, to voice concern over Austria's December 1997 Federal Law on the Legal Personality of Religious Communities and the implications of the law on the freedom of the individuals to freely profess and/or practice their religion or belief. On the surface, the law creates the possibility for previously unrecognized religious communities to be granted official status. However, legal experts maintain that the principal of equality and the right of association are seriously compromised by this law. Twelve legally recognized communities currently receive state funds and other privileges in Austria. The Helsinki Commission has undertaken a series of initiatives focused on growing restrictions imposed on religious expression in several OSCE participating States. Commission hearings on "Religious Intolerance in Europe Today" and "Status of Religious Liberty for Minority Faiths in Europe and the OSCE" were held in September and December respectively. □



A deserted street in the heart of the capitol of Nicosia, along the UN-monitored Green Line. This once-thriving area remains largely as it was in 1974 when Turkish troops arrived amid a coup attempt against the Greek Cypriot government. Turkish-occupied territory is to the left while the area to the right remains under government control. The UN Peacekeeping Force in Cyprus (UNFICYP) has been deployed on the divided island since March 1964.

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